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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/582,253	06/22/2000	CHRISTOPHER RICHARDSON	ULT4084P0160	3607

7590 12/17/2003

Wood, Phillips, Katz, Clark & Mortimer
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500 West Madison Street
Chicago, IL 60661-2511

EXAMINER

MORRISON, NASCHICA SANDERS

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,253

Applicant(s)

RICHARDSON, CHRISTOPHER

Examiner

Naschica S Morrison

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21,28 and 29 is/are rejected.
- 7) ☒ Claim(s) 22-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

This is the sixth Office Action for serial number 09/582,253, Connecting Device, filed on June 22, 2000. Claims 21-29 are pending.

Specification

The disclosure is objected to because of the following informalities: in the Abstract, on line 3, "al" should be --at--. Appropriate correction is required.

Claim Objections

Claim 23 is objected to because of the following informalities: on line 3 insert --spaced-- after "part". Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over French Patent 1,559,036A to Dom Holdings LTD (Dom Holdings) in view of GB 2315090 to Smith. With regards to claims 21 and 28, Dom Holdings discloses a connecting device (Figs. 1-3) comprising: a U-shaped first part (1) having a base (3 generally) fixable to a surface and two arms (4,5 generally) extending therefrom, each arm including a channel (formed by 9 and 10) therein, the channel having a tooth (disposed between 9 and 10) disposed therein; and a U-shaped second part (2) having

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a base (at 11) with two arms (12, 13) extending from opposite ends thereof, each arm having a tooth (14) on an inner face thereof, the second part (2) being slidably attachable to the first part (1) so as to be slidable along the longitudinal axis of a pipe and forming at least a partial enclosure for capture of the pipe; wherein the first and second parts have co-operating teeth enabling the attachment of the second part (2) to the first part (1) to be selectively adjustable, whereby spacing of the pipe from the surface is adjustable. Dom Holdings does not teach the first and second parts including co-operating formations limiting movement of the second part (2) relative to the first part (1) in a given direction along the longitudinal axis of the pipe, but permitting the movement of the second part (2) relative to the first part (1) in an opposite direction along the longitudinal axis of the pipe, once the second part (2) has been slidably attached to the first part (1). Smith discloses a clamp (see attached marked copy of Fig. 6a) comprising a second part (32) slidably connected to a first part (31), wherein the first and second parts include co-operating formations (31b, 32a) limiting movement of the second part (32) relative to the first part (31) along a longitudinal axis (in the direction indicated by the arrow) but permits the movement of the second part (32) relative to the first part (31) in an opposite direction along the axis. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the first and second parts (1, 2) to include co-operating formations for limiting movement of the second part relative to the first part in a given direction along the longitudinal axis of the pipe because one would have been motivated to prevent axial displacement of the first and second parts as disclosed and inherently taught by Smith.

Regarding claim 29, the method steps recited therein are deemed to be inherent to the apparatus as applied above.

Allowable Subject Matter

Claims 22-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: although the prior art of record discloses many of the limitations of the claims, it fails to further teach or suggest the second part comprising inwardly turned ends on sides of the base and spaced therefrom for slidably capturing a pipe.

Response to Arguments

Applicant's arguments filed 11/24/03 have been fully considered but they are not persuasive.

In response to applicant's argument that the second part (2) does not capture the pipe and would fall off of the pipe, examiner respectfully disagrees. In instances wherein the first part (1) is mounted to a horizontal structure (such as a ceiling) so as to be suspended (upside down), the first part does function to "capture" (i.e. abut) the pipe and would not simply fall off of the pipe due to the co-operating formations. Additionally, in response to applicant's argument that the pipe (according to Dom Holdings) must be at a single specific spacing from the surface or be loosely secured, examiner

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respectfully disagrees. As referenced above, if the device of Dom Holdings is mounted to a ceiling, for instance, so as to be upside down, the pipe would be carried by the second part (2) and would be permitted to be spaced from the ceiling a plurality of distances determined by the engagement of the teeth (14) in either of the recesses (9, 10) of the first part (2).

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Naschica S. Morrison, whose telephone number is (703) 305-0228. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Leslie Braun can be reached at 703-308-2156. The fax machine telephone number for the Technology Center is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Technology Center receptionist at (703) 872-9325.


Naschica S. Morrison
Patent Examiner
Art Unit 3632
12/11/03


Korie Chan
Primary Examiner
Art Unit 3632